

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 6, 2010

Charles R. Fulbruge III
Clerk

No. 08-51263
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

STEPHEN MCCORD,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:08-CR-194-ALL

Before REAVLEY, JOLLY, and OWEN, Circuit Judges.

PER CURIAM:*

Stephen McCord appeals following his conditional guilty-plea conviction of possession of firearms by a convicted felon. McCord argues that the district court erred by denying his motion to suppress. In particular, he contends that the search of his residence was not authorized as a condition of his probation because this condition was unconstitutional and he did not voluntarily agree to

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

it. Additionally, he asserts that the search was not supported by reasonable suspicion.

At the time the search was conducted, there was recent evidence from a confidential informant, who had previously provided reliable information, that McCord was manufacturing methamphetamine at his residence, and McCord himself admitted that he was cooking methamphetamine. Because we find under the totality of the circumstances that reasonable suspicion existed to support the search of McCord's residence, we need not reach the issue of the validity of the probationary condition allowing suspicionless searches. *See United States v. Knights*, 534 U.S. 112, 118-21 (2001); *United States v. Martinez*, 486 F.3d 855, 859 (5th Cir. 2007); *United States v. Boruff*, 909 F.2d 111, 117 (5th Cir. 1990) .

AFFIRMED.